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REMARKS

The present response is presented in response to the office action of September 5, 2002 and the Applicant respectfully requests a three (3) month extension of the period in which to respond, thereby extending the period of response to March 5, 2003.

Claims 11-20 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite numerous instances in improper or lacking antecedent basis for certain of the recitations therein, while claims 18, 19 and 20 are rejected, under 37 CFR 1.75(c), as being in improper dependent form. The Examiner also rejected claims 11 and 16 under 35 U.S.C. § 102(b), as anticipated by United States Patent No. 5,250,011 to Pierce, hereafter referred to as "Pierce '011".

The Examiner has stated, however, that claims 12-15 and claim 17 are rejected as dependent from rejected base claim 11, but would be allowable if rewritten in independent form including all limitations of original base claim 11 and any intervening claims.

The Applicant acknowledges and thanks the Examiner for finding claims 12-15 and 17 to be allowable if appropriately rewritten. The Applicant also acknowledges and respectfully traverses the raised grounds for rejection of the claims in view of the following remarks.

First, and in response to the above grounds for rejection of claims 11-20, the Applicant canceled claims 11-20, without prejudice or admission with regard to the subject matter recited therein, in favor of new claims 21-41.

New claims 21-41 include amendments addressing and correcting the instances of lack of antecedent basis and improper antecedent basis noted by the Examiner. It is the belief and position of the Applicant that all antecedent basis issues are addressed and overcome by way of these amendments and the Applicant respectfully requests that the Examiner reconsider and withdraw all rejections of the pending claims under 35 U.S.C. § 112.

It will also be noted that the Applicant addressed the rejection of claims 18, 19 and 20, under 37 CFR 1.75(c), by cancellation of claims 18, 19 and 20, the subject matter therein and the subject matter of claims 12-15 now appearing in new claims 27-41, which are dependent from new claims 21, 22 or 23.

The Applicant, therefore, respectfully requests that the Examiner reconsider and withdraw all rejections of the claims under 37 CFR 1.75(c).

Next considering the rejection of claims 11 and 16 (now claims 21 and 32), under 35 U.S.C. § 102, over Pierce '011, it must be noted that, in fundamental distinction between Pierce '011 and the transmission of the present invention, the transmission taught by Pierce '011 is capable of providing only 5 forward gears while the transmission of the present invention provides 6 forward gears. The present invention thereby provides an increase of 20% in the number of gear ratios for no increase in the basic planetary gear units.

A study of the transmission of the present invention, in comparison with that taught and described by Pierce '011, reveals that this distinction between the two transmission arises from the unique combination of switchable and non-switchable connections among the planetary gear set elements of the present invention when compared to the planetary gear set connections taught in Pierce '011. In particular, and more specifically, the present invention teaches that the sun gear of the third planetary gear set should not be connected and should not be connectable to any other element of the transmission except the transmission housing. That is, and stated another way, in the transmission of the present invention, the sun gear of the third planetary gear set is either freely rotatable or connectable with the transmission housing by the brake 7, i.e., it is not connectable to any element of any other planetary gear set, such as another sun gear or a spider or an internal gear of the third gear set or of the first gear set or second gear set.

In distinct contrast to the present invention, Pierce '011 does not teach or even suggest this limitation in the connections of the third planetary gear set. In addition, this limitation would not be obvious to those of ordinary skill in the arts given the teachings of Pierce '011 as this limitation would, in fact, be generally counterintuitive in the art as inherently limiting of the number and range of possible inter-element connections and thus of the number of possible gear ratios, rather than increasing the number of gear ratios.

In order to more explicitly express this limitation and fundamental distinction between the present invention as recited in claims 21 and 32, formerly claims 11 and 16, the Applicant amended independent claim 21 to expressly recite the limitation "a sun gear (20) of the third planetary set (4) is freely rotatable with respect to the suns, the spiders and the internal gears of the first and second planetary sets and is connectable solely with the transmission housing when the third brake (7) is engaged". Stated another way, claim 21 is now fundamentally distinguished over the teachings of Pierce '011 by the limitation that the sun gear of the third planetary set is not connected to or connectable to any other element of any of the gear sets, including the third gear set. Claim 32, formerly claim 16 dependent and from claim 11, is dependent from claim 21 and thereby inherits and incorporates this limitation due to its dependency from claim 21.

For this reason, therefore, it is be belief and position of the Applicant that Pierce '001 does not teach or suggest the present invention as recited in claims 21 or 32 under the provisions and requirements of either of 35 U.S.C. § 102 or 35 U.S.C. § 103. The Applicant, therefore, respectfully requests that the Examiner reconsider and withdraw all rejections of the claims under 35 U.S.C. § 102 over Pierce '011, and any potential rejection of the claims under 35 U.S.C. § 103 over Pierce '011, and allowance of the claims as amended herein.

Lastly, the Applicant again thanks the Examiner for indicating the allowability of claims 12-15 and 17 if rewritten in independent form including all limitations of base claim 11 and any intervening claims. The Applicant rewrote the subject matter of claims 12-15 and 17 in independent form, including all limitations of original base claim 11 and any intervening claims, as new claims 22-26. The Applicant, therefore, respectfully requests the allowance of new claims 22-26.

If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

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In view of the above amendments and remarks, it is respectfully submitted that all of the raised rejections should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejections or applicability of the Pierce '011 reference, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

In view of the above amendments and remarks, it is respectfully submitted that all of the raised rejection(s) should be withdrawn at this time and that the claims are now in condition for allowance. The Applicant therefore respectfully requests the reconsideration and withdrawal of all grounds for rejection of or objection to the claims, and the allowance of the claims as amended herein.

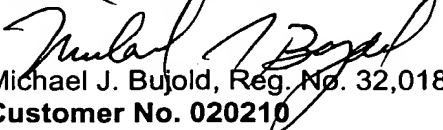
If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejection(s) or applicability of the Pierce '011 reference, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

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In view of the foregoing, it is respectfully submitted that this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,


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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service, with sufficient postage, as First Class Mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231 on February 19, 2003.

By: _____

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